

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROSALIND HOLMES,
Plaintiff,

Case No. 1:20-cv-825
Hopkins, J.
Litkovitz, M.J.

vs.

UNITED STATES OF AMERICA, *et al.*,
Defendants.

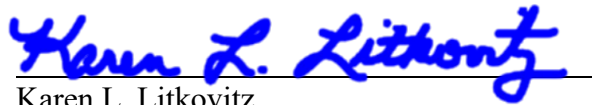
ORDER

This matter is before the Court on plaintiff's "Motion to File Confidential Medical Records Under Seal." (Doc. 109). The Court's Report and Recommendation of dismissal of this action, however, remains pending before the District Judge. (*See* Doc. 98). As such, the Court **DENIES** plaintiff's motion (Doc. 109) without prejudice to refiling if the District Judge rejects that recommendation and orders that this action may continue.

In conjunction with her motion, plaintiff attached a third amended complaint (Doc. 109 at PAGEID 3355-3516). Previously, on February 1, 2023, the Court issued an Order staying discovery and dispositive motion deadlines pending the District Judge's ruling on the Court's Report and Recommendation of dismissal (Doc. 98). (Doc. 106). In view of this Order and the fact that plaintiff filed her third amended complaint without opposing counsel's consent or leave of court, plaintiff's third amended complaint (Doc. 109 at PAGEID 3355-3516) is hereby **STRICKEN**. *See* Fed. R. Civ. P. 15(a)(2) ("[A] party may amend its pleading only with the opposing party's written consent or the court's leave.").

IT IS SO ORDERED.

Date: 5/14/2024


Karen L. Litkovitz
United States Magistrate Judge